

## OF LANESBOROUGH SELECTMEN'S MEETING

Submitted by Diane Stevens, Town Secretary

March 28, 2016

Present: Mr. John Goerlach, Chair  
Mr. Robert Ericson  
Mr. Henry Sayers  
Mr. Paul Sieloff, Town Manager

Warrants: Warrant Signed

The meeting was opened by John Goerlach at 6:00 p.m.

### Public Comment

Bob McCluskey from 31 Narragansett Avenue came before the Board to voice his concerns with the sidewalk being proposed on the plans for the Narragansett Causeway Project as it is only 1 ½ feet from his porch. Mr. McCluskey stated that he had spoken with the engineer on the project who informed him that the Board has the authority to eliminate the sidewalk directly in front of his house. The Board posed questions to Mr. McCluskey as to how he would like to proceed. Mr. Sieloff said the goal is to accommodate Mr. McCluskey as much as possible and asked the Board to not make a decision until everything is looked at with MassDOT and the Engineer. Diane McCluskey told Mr. Goerlach that their septic system would run under the sidewalk which may pose a problem. Mr. Sieloff stated that project is still at a very preliminary stage and discussions will remain open. Mr. Sieloff stated that he would speak with the engineer on the project in the next day or two. Mr. McCluskey stated that he would like to see the street lights returned as the area is not very well lit. Mr. Sayers stated that they are trying to get the lights installed as part of the project.

### Permit(s) / Contract(s) / Use of Town Property or Notification to Town of Community Event / Appointment(s)

#### **Common Victualler's License – Global Montello Group Corp. d/b/a Convenience Plus**

Mr. Sieloff informed the Board that Global Montello Group Corp. d/b/a Convenience Plus is taking over O'Connell's Convenience located at 107 South Main Street, effective March 30, 2016. Motion 16-040. Motion made by Robert Ericson to approve the Common Victualler's License of Global Montello Group Corp. d/b/a Convenience Plus, seconded by Henry Sayers. Motion carried 3-0. [#1]

#### **Common Victualler's License – Krispy Cone**

Motion 16-041. Motion made by Robert Ericson to approve the Common Victualler's License for Krispy Cone, seconded by Henry Sayers. Motion carried 3-0. [#2]

#### **Notification to Town of Community Event – Town Clean Up Day – April 23**

Martha Freedman came before the Board on behalf of the Town Clean Up Committee to inform them of Town Clean Up Day which will take place on April 23<sup>rd</sup> from 9:30 a.m. to 12:00 p.m. Mrs. Freedman asked the Board if Highway Department vehicles could be made available for litter pick up as has been done in previous years. Motion 16-042. Motion made by Robert Ericson to approve Town Clean Up Day for April 23<sup>rd</sup> and the use of Highway Department vehicles for litter removal, seconded by Henry Sayers. Motion carried 3-0. Mrs. Freedman stated that she would contact DPW Director Decelles about the use of vehicles. [#3]

#### **Notification to Town of Community Event - Steel Rail Half Marathon – May 22**

Berkshire Running Center submitted a Notification to the Town of a Community Event for their annual Steel Rail Half Marathon which will take place on Sunday, May 22<sup>nd</sup> from 9:00 a.m. to 10:30 a.m. Chief Timothy Sorrell signed off on the application with the stipulation that 4 detail officers will need to be secured for the intersection of the Mall road and at the bike path crossing at Old State Road and Union Chapel. The Health Agent stipulated that if food is to be served that a permit will need to be obtained from the Health Department. Motion 16-043. Motion made by Robert Ericson to approve the Steel Rail Half Marathon with the stipulations of the Police and Health Departments, seconded by Henry Sayers. Motion carried 3-0. [#4]

**Notification to Town of Community Event (Berkshire Mall) - Berkshire Running Center – 3<sup>rd</sup> Annual Steel Rail Marathon – May 22**

Berkshire Mall General Manager Joe Scelsi came before the Board to notify them of upcoming events which includes The Steel Rail Marathon by Berkshire Running Center. Mr. Scelsi stated that he is notifying the Town as the event begins on Mall property. Motion 16-044. Motion made by Robert Ericson to approve the Notification to Town of Community Event of the Berkshire Mall for the Steel Rail Marathon, seconded by Henry Sayers. Motion carried 3-0. [#5]

**Notification to Town of Community Event & Sunday Entertainment License (Berkshire Mall) - Gillette Carnival – April 30 through May 20**

Berkshire Mall General Manager Joe Scelsi presented the Board with a Notification to the Town of a Community Event, a Weekly Entertainment License Application and a Sunday Entertainment License Application for of the upcoming Gillette Carnival which will take place from April 30<sup>th</sup> through May 20<sup>th</sup>. The actual days of operation will be May 5<sup>th</sup> through May 15<sup>th</sup>. The additional days will be for set up and break down of the amusement devices. Mr. Scelsi stated that this will be the 5<sup>th</sup> year the Mall has been hosting the carnival which benefits several organizations including the Police Association. Motion 16-045. Motion made by Robert Ericson to approve the Notification to Town of Community Event, seconded by Henry Sayers. Motion carried 3-0. Motion 16-046. Motion made by Robert Ericson to approve the Weekly Entertainment License Application for the Gillette Carnival, seconded by Henry Sayers. Motion carried 3-0. Motion 16-047. Motion made by Robert Ericson to approve the Sunday Entertainment License Application for the Gillette Carnival, seconded by Henry Sayers. Motion carried 3-0. Mr. Sayers stipulated that he would like all carnival signs to be taken down within 5 days of the end of the event. Mr. Scelsi stated that he would speak with the carnival owner to make sure this gets done. [#6, 7, 8]

**Notification to Town of Community Event - Berkshire Farmers Market (Berkshire Mall) – Wednesdays and Saturdays – April 30 through November 30**

Berkshire Mall General Manager Joe Scelsi presented the Board with a Notification to Town of Community Event for the Berkshire Farmers Market which will be at the Berkshire Mall on Wednesdays and Saturdays from April 30, 2016 to November 30, 2016. Mr. Scelsi stated that this will be the 11<sup>th</sup> year that the Mall will be hosting the Farmers Market. The Board informed Mr. Scelsi that proper permits will need to be obtained by each vendor from the Health Department. Motion 16-048. Motion made by Robert Ericson to approve the Notification to Town of Community Event for the Berkshire Farmers Market with the condition that all Health Department permits are obtained, seconded by Henry Sayers. Motion carried 3-0. [#9]

Recognition of 5 years of service – Joan Weissbluth – Lanesborough Librarian

Mr. Sieloff informed the Board that Joan Weissbluth could not attend the meeting and he would present her with the Years of Service Certificate for her work in the Lanesborough Library.

Right of Way Proposal – Narragansett Causeway Project – Abutter Issues – Public Hearing in Town Hall Community Room – April 28<sup>th</sup> at 6:00 p.m.

Mr. Sieloff informed the Board that a public hearing has been scheduled for the Narragansett Causeway Project on April 28<sup>th</sup> beginning at 6:00 p.m. in the Town's Community Room. The notice has been posted at Town Hall, at the Post Office and on the Town's website. [#10]

Budget Update & Proposed Schedule

Mr. Sieloff stated that there are very minimal changes to the budget this year and he can probably bring a spreadsheet in next meeting or two for the Board to adopt. Mr. Ericson asked about the overall increase. Mr. Sieloff stated that it is approximately a 1.8% increase but it would be higher with the debt exclusion. Mr. Sieloff stated that the cost savings with the energy efficiency of new school building will be beneficial to the Town with future budgets. Mr. Ericson spoke about his efforts to lower the cost of the new school building project and how he is not supported by other Mount Greylock Building Committee members. Mr. Sieloff offered to attend the meeting and speak in support of his proposals.

#### FY16 Capital Improvement Plan

Mr. Sieloff stated that he is still working on this and gave the Board a brief synopsis of how he is progressing. Mr. Sieloff stated that he was contacted by Carrie Greene and there will be an amended budget request from Mount Greylock which will affect the tax rate this year. Mr. Sieloff stated that he will contact Ms. Greene to get figures for the Board. Mr. Goerlach stated that he did not believe the budget would pass at Town Meeting if the increase was above 2.5% increase. The Board discussed the different options for borrowing the money for the debt exclusion. Mr. Sieloff stated that he would get information for the Board on the borrowing of this money. Mr. Goerlach asked Mr. Sieloff about economic development. Mr. Goerlach stated that three people would like to volunteer to form a committee to perform research. Mr. Sieloff cautioned the Board on creating another committee stating that it is very difficult to get committees to follow proper procedures. Mr. Sieloff stated that he and the Town Secretary can bring proposed bylaws at the next meeting for such a committee with procedures that would need to be followed.

#### Request for Reimbursement and Town Action for Joseph Trybus

Mr. Sieloff stated that he has an estimate for the water softener system that Mr. Trybus would like installed and there is money in the budget to pay for this. Mr. Sayers stated that Mr. Sieloff is authorized to spend up to \$1,500 to do so pursuant to the last meeting. Mr. Sieloff asked the Board how they wished to proceed regarding the reimbursement of the bottled water. Mr. Sieloff stated that he reviewed the paperwork submitted by Mr. Trybus with the Town Accountant and came up with a figure of \$1,158.15. Mr. Sieloff stated that there is money in the budget for this reimbursement. Motion 16-150. Motion made by Robert Ericson to approve the reimbursement of bottled water to Joseph Trybus in the amount of \$1,158.15, seconded by Henry Sayers. Motion carried 2-0. John Goerlach abstained from vote. [#11]

#### Tentative Police Chief carry over of two weeks' vacation

Police Chief Timothy Sorrell came before the Board to ask permission to carry over two weeks of vacation time due to the Department being short staffed. Chief Sorrell stated that several of his part-time officers have left the Department for full time employment in other towns, two of his officers are out with injuries and one officer will be leaving shortly for the birth of his child. Due to these circumstances Chief Sorrell stated that he is not able to take his vacation time as he would not have enough officers to fill shifts. Motion 16-049. Motion made by Robert Ericson to approve the carry-over of two weeks' vacation time of Police Chief Timothy Sorrell, seconded by Henry Sayers. Motion carried 3-0. [#12]

#### Chicken Regulation Issue

Mr. Sieloff presented the Board with two draft chicken regulations from Town Counsel for their review. Mr. Sieloff stated that Town Counsel recommended an animal regulation which could be adopted by the Board of Health within a few weeks with proper notification. The regulations state that residents can have no more than 12 animals/fowl and no roosters on property with less than one acre of land and residents can be subject to fines if found in violation. Mr. Sieloff informed the Board that the regulation also gives a compliance deadline of three months from the date the regulation is adopted by the Board of Health so it could be put in place by July. Mr. Ericson stated that he would like to add "cats" to the 12 animal limitation. The Board agreed. Mr. Sieloff also proposed a regulation from the Board of Health together with a fee of \$25 which would only be due every 5 years to register fowl. Mr. Sieloff stated that he believed this would be a good idea because if there was ever an outbreak of bird flu, the Town would know where the animals were. Mr. Sieloff also stated that he would like to reduce the number of animals in this section from 3 to 1. The Board agreed to the reduction in number but did not want to impose a fee. Mr. Sieloff stated that he would remove the fee and give it to the Board of Health to adopt. Motion 16-051. Motion made by Robert Ericson to recommend forwarding the proposed animal regulations to the Board of Health as amended, seconded by Henry Sayers. Motion carried 3-0. [#13]

#### Other business which could not have been reasonably foreseen within 48 hours of the meeting.

None.

### Selectmen's Items

Mr. Goerlach asked Mr. Sieloff about work on Summer Street. Mr. Sieloff stated that he will place this on the next Agenda to give the Board an update. Mr. Goerlach and Mr. Ericson spoke about solar opportunities on Town properties and Mr. Ericson stated that he would discuss opportunities with Beth Greenblatt, the Town's solar consultant. The Board asked about a letter received from Kirk Grippo, proprietor of the Olde Forge Restaurant, requesting permission from the Board to be able to sell alcohol on Sundays at 10 a.m. for the purpose of serving brunch. Mr. Sieloff stated that after speaking with Town Counsel it was determined that an Article would need to be placed on the Warrant at the Town Meeting in June in order to accomplish this. [#14]

### Town Manager Report

None.

### Executive Session – To enter into executive session pursuant to M.G.L. c. 30A, s. 21(a) (2) to conduct strategy sessions in preparation for negotiations and in regard to lawsuits

Motion by Robert Ericson at 7:20 p.m. to go into executive session for purpose of discussion strategy sessions in preparation for negotiations and in regard to lawsuits and to take no action after, seconded by Henry Sayers. Motion carried 3-0. Mr. Ericson, aye Mr. Sayers, aye and Mr. Goerlach, aye.

### Adjournment

Motion to adjourn meeting made by Robert Ericson, seconded by Henry Sayers. Motion carried 3-0. Meeting adjourned at 8:44 p.m.

#### Footnotes:

- [#1] Common Victualler's License – Global Montello Group Corp. d/b/a Convenience Plus
- [#2] Common Victualler's License – Krispy Cone
- [#3] Notification to Town of Community Event – Town Clean Up Day
- [#4] Notification to Town of Community Event – Berkshire Running Center
- [#5] Notification to Town of Community Event – Berkshire Mall – Steel Rail Marathon
- [#6] Notification to Town of Community Event – Berkshire Mall – Gillette Carnival
- [#7] Weekly Entertainment License – Gillette Carnival
- [#8] Sunday Entertainment License – Gillette Carnival
- [#9] Notification to Town of Community Event – Berkshire Mall – Farmers Market
- [#10] Narragansett Causeway Project – Public Hearing Notice
- [#11] Joseph Trybus Reimbursement Request
- [#12] Police Chief Vacation Carryover Request
- [#13] Proposed Chicken Regulations – Board of Health
- [#14] Olde Forge Restaurant – Request for Change of Sunday Liquor License Hours